

Senate Bill No. 1598

Passed the Senate August 29, 2006

Secretary of the Senate

Passed the Assembly August 22, 2006

Chief Clerk of the Assembly

This bill was received by the Governor this _____ day
of _____, 2006, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to amend Section 101 of, and to add Sections 336.7, 357.3, and 9011.5 to, the Elections Code, relating to petitions.

LEGISLATIVE COUNSEL'S DIGEST

SB 1598, Bowen. Petitions: initiative, referendum, recall.

(1) Under existing law, an initiative petition must contain specified language advising the public of its right to determine whether the person circulating the petition is a paid signature gatherer or a volunteer.

This bill instead would require an initiative, referendum, or recall petition to reflect, in specified language, whether it is being circulated by a paid circulator or by a volunteer.

This bill would define “volunteer” and “paid circulator.”

This bill would additionally require any state or local initiative, referendum, or recall petition circulated by a paid circulator who is paid by a committee, as defined, to include a disclosure statement identifying the names of the persons from whom the committee received the 5 largest cumulative contributions in support of the measure, as specified. The bill would require that if more than 5 donors meet this disclosure threshold at identical contribution levels, the 5 highest donations be disclosed according to chronological sequence and if the major donors share a common employer, the identity of the employer be disclosed. The bill would require this disclosure statement to be updated within 14 days of any change in the 5 largest cumulative contributors. The bill would require a committee that employs one or more paid circulators for the purpose of circulating a state initiative, referendum, or recall petition to submit a disclosure statement, and any updates to that statement, to the Secretary of State to post that statement on his or her Internet Web site.

By imposing additional requirements on local elections officials with respect to petitions, this bill would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by

the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

The people of the State of California do enact as follows:

SECTION 1. Section 101 of the Elections Code is amended to read:

101. Notwithstanding any other provision of law, any state or local initiative, referendum, or recall petition required to be signed by voters shall contain in 12-point type, prior to that portion of the petition for voters' signatures, printed names, and residence addresses, the following language:

(a) If the petition is circulated by a paid circulator the phrase "PAID CIRCULATOR" shall appear in 24-point type above the following language which shall appear in 12-point type:

"NOTICE TO THE PUBLIC

THIS PETITION IS BEING CIRCULATED BY A PERSON WHO IS BEING PAID TO COLLECT SIGNATURES."

(b) If the petition is being circulated by a volunteer the phrase "VOLUNTEER CIRCULATOR" shall appear in 24-point type above the following language which shall appear in 12-point type:

"NOTICE TO THE PUBLIC

THIS PETITION IS BEING CIRCULATED BY A VOLUNTEER."

SEC. 2. Section 336.7 is added to the Elections Code, to read:

336.7. "Paid circulator," for the purpose of circulating an initiative, referendum, or recall petition, means any person who is compensated in any manner for collecting petition signatures to qualify a state or local initiative, referendum, or recall measure.

SEC. 3. Section 357.3 is added to the Elections Code, to read:

357.3. “Volunteer,” for the purpose of circulating an initiative, referendum, or recall petition, means a person who is not a paid circulator.

SEC. 4. Section 9011.5 is added to the Elections Code, to read:

9011.5. (a) (1) Notwithstanding any other provision of law, any state or local initiative, referendum, or recall petition required to be signed by voters and circulated by a paid circulator who is paid by a committee formed pursuant to Section 82013 of the Government Code shall include, in 12-point type at the top of the petition, a disclosure statement identifying the names of the persons from whom the committee received the five largest cumulative contributions.

(2) If more than five donors meet this disclosure threshold at identical contribution levels, the five highest donations shall be disclosed according to chronological sequence.

(3) The disclosure statement required by paragraph (1) shall be updated within 14 days of any change in the five largest cumulative contributors.

(4) A committee that employs one or more paid circulators to circulate a state initiative, referendum, or recall petition shall submit the disclosure statement required by paragraph (1), and any updates to that statement as required by paragraph (3), to the Secretary of State, who shall post that statement on his or her Internet Web site.

(b) Any committee that employs one or more paid circulators to circulate an initiative, referendum, or recall petition shall print on the petition, immediately following the disclosure statement required pursuant to subdivision (a), its name and identify itself using a name or phrase that clearly identifies the economic or other special interest of its major donors of fifty thousand dollars (\$50,000) or more.

(c) If the major donors share a common employer, the identity of the employer shall also be disclosed.

(d) As used in this section, “cumulative contributions” means the cumulative amount of contributions received by a committee beginning 12 months prior to the date the committee made its first expenditure to qualify or support the measure.

(e) This section shall not be construed to require a local elections official to verify the accuracy of the information

required by subdivision (a), (b), or (c) or to reapprove the petition upon the update required by paragraph (3) of subdivision (a).

(f) Signatures collected on an initiative, referendum, or recall petition shall not be invalid solely because the information required by subdivision (a), (b), or (c) was absent or inaccurate.

SEC. 5. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

Approved _____, 2006

Governor